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TRIPURA GAZETTE

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PART-- I--Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
VIGYAN, PRAJUKTI O PARIVESH BHAWAN
P.N.COMPLEX: AGARTALA
TRIPURA-799006

No.F.8(14)/DSTE/ENV/Pt-II/7220-41 Dated, 30 /.10 / 2018

NOTIFICATION

WHEREAS, Article 48A of the Constitution of India, inter-alia envisages that the State shall endeavor to protect and improve the natural environment for safeguarding human beings, wildlife including all living creatures, forests, lake, rivers etc.;

AND

WHEREAS the Government of Tripura after considering the adverse effects of fire crackers/fireworks have decided to regulate this which have detrimental effect on the environment;

AND

WHEREAS, it is observed that smoke and other harmful chemical gases emitted from the fire crackers/fireworks during Deewali and various religious festivals including Christmas, New Year eve and other occasions like marriages etc are causing vigorous water and air pollution as well as soil pollution resulting in unhygienic environmental and public health related problems and degrade the natural quality of air, water & soil;

AND

WHEREAS, it is observed that fire crackers/fireworks enhance the toxic particles/gases and ash on it's burning;

NOW, THEREFORE, in compliance with the direction dated 23/10/2018 passed by the Hon'ble Supreme Court of India in Writ Petition (Civil) No.728 of 2015 (Arjun Gopal & others Vs. Union of India & others) and also in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (Central Act No.29 of 1986), and also the powers conferred to this State vide Notification No.S.O.479 (E) dated the 25th July,1991 under Section 23 of the Environment (Protection) Rules, 1986, the Government of Tripura in consultation with the Tripura State Pollution Control Board hereby imposes the following restrictions on use of fire crackers/fireworks along with following directions with an objective to reduce air and noise pollution including minimization of solid waste generation and also to tackle the pollution problems which occurs due to firecrackers during Diwali (Deepabali) and all other festivals, of any religion including Christmas and New Year eve and other occasions like marriages etc. for effective implementation in the State of Tripura;

1. The crackers with reduced emission (improved crackers) and green crackers shall be permitted to be manufactured and sold in the State of Tripura.

Explanation: (i) Use of Reduced Emission firecrackers (Improved crackers)-(a) Avoidance of use of ash as desiccant or filler materials in crackers for reduction in particulate matter by 15-20%. These can be implemented subject to approval by Petroleum and Explosives Safety Organization (PESO), and (b) usage of charcoal meeting specifications of explosive and pyrotechnics as prescribed by PESO.

(ii) Green crackers: Safe Water and Air Sprinklers (SWAS)- low emission sound and light emitting functional crackers with particulate matter reduction by 30-35 % and significant reduction in NO_x & SO_2 due to in situ water generation as dust suppressant and low cost due to usage of low cost oxidants. These can be implemented subject to approval by Petroleum and Explosives Safety Organization (PESO).

2. The production and sale of crackers other than those mentioned in point No.**1** is completely banned in the entire State of Tripura. The manufacture, sale and use of joined firecrackers (series crackers or laris) are also banned as the same cause huge air, noise and solid waste problems.

Explanation: No person except the Licensed Traders shall be permitted to sell and store the fire crackers [improved crackers and green crackers] as mentioned in point No.**1**. The sale of crackers other than those mentioned in point No.**1** including joined crackers (series of crackers or laries) and those fire crackers generating noise level exceeding 90 dB(A) at 5 metre distance from the point of bursting is completely banned in the entire State of Tripura.

3. On the day of Diwali (Deepabali) or on the day of any other festivals, when such fireworks generally take place, the scheduled timing of such fireworks, would strictly be from 8:00 p.m. till 10:00 p.m. only. On Christmas eve and New Year eve, when such fireworks start around midnight, i.e. 12:00 a.m., timing of fireworks should be from 11:55 p.m. till 12:30 a.m. only.

4. The Tripura State Pollution Control Board shall carry out short-term monitoring in the Cities for 14 days (commencing from 7 days prior to Diwali and ending 7 days after Diwali) for the parameters namely, Aluminum, Barium, Iron apart from the regulatory parameters against the short-term Ambient Air Quality Criteria Values (AAQCVs) with regard to bursting of firecrackers.

5. For encouraging the community fire cracking at the designated site on the day of Diwali (Deepabali) or any other festivals, of any religion, the District Administration / Local Bodies may explore the feasibility of community fire cracking. This exercise shall have to be completed before one week of Diwali (Deepabali) or any other festivals so that the public at large is well informed about the designated places. The particular area/field as designated for the purpose of *Diwali* shall be valid for community fire cracking even on other occasions/festivals as well.

6. The Police shall ensure that bursting of fireworks should take place only during the designated time and at designated places, as mentioned above. They shall also ensure that there is no sale of banned firecrackers. In case any violation is found, the Station House Officer (SHO)/Officer-in-Charge of the concerned Police Station of the area shall be held personally liable for such violation and this would amount to committing contempt of the Court, for which such SHO(s) would be proceeded against.

7. Extensive public awareness campaigns shall be carried out by the School Education/Higher Education Department, ICA Department, Department of Science,

Technology & Environment and Tripura State Pollution Control Board informing the public about the harmful effects of firecrackers.

➢ **Responsibilities of Local Administration/Local Bodies/Police Deptt.-**

a) All Local Administration (Sub-Divisional Magistrate) shall ensure designation or identification of places in consultation with the Station House Officer (SHO)/Officer-in-Charge of the concerned Police Station and Local Authorities for community fire cracking.

b) The local authorities shall take necessary action as per direction of Hon'ble Supreme Court.

➢ **Responsibilities of Tripura State Pollution Control Board (TSPCB):-**

a) TSPCB shall monitor air and noise pollution 7 (seven) days prior to Dewali and 7 (seven) after the Deewali. They also monitor all kind of pollution (Air, Water & Noise etc) during all pre & post festival sessions in the State.

b) TSPCB shall prepare materials for mass awareness to the common people.

➢ **Responsibilities of District Administration (DM & Collector):-**

a) The District Administration shall make overall supervision for effective control of fire cracker or fire works for any occasion in the State and comply with the directions of the Hon'ble Supreme Court.

➢ **Authorized Officers:-**

The following officers are hereby authorized to implement this Notification in their respective jurisdiction namely:

1. District Magistrate & Collectors of all respective Districts in Tripura.
2. Superintendent of Police, SDPO & Officers at the level of Sub-Inspector of Police and Station House Officer (SHO)/Officer-in-Charge of the concerned Police Station.
3. Member Secretary, Tripura State Pollution Control Board and Officers at the level of Junior Environmental Engineer/Junior Scientist and above.
4. Municipal Commissioner, Agartala Municipal Corporation, Agartala and other Officers nominated by him.
5. Chief Executive Officer of Tripura Tribal Area Autonomous District Council, Tripura and other Officers nominated by him.
6. Director, Department of Science, Technology & Environment, Government of Tripura and Officers at the level of Scientific Officer and above.
7. Director, Food and Civil Supplies Department and Officers at the level of Inspector and above.

8. Director, Industries & Commerce Department and other Officers nominated by him.
9. Director, Health & Family Welfare Department or other Officers nominated by him.
10. Commissioner of Taxes & Excise and Officers at the level of Inspector of Taxes and above.
11. Labour Commissioner, Labour Department and Officers at the level of Inspector and above.
12. Sub-Divisional Magistrate of all respective Sub-Division in Tripura.
13. Block Development Officer of all respective block in Tripura.
14. Chief Executive Officer of all Municipal Council in Tripura
15. Executive Officer of all respective Nagar Panchayet in Tripura.

➢ **Monitoring:-**

Authorities of all Local Bodies/Local Administration and Member Secretary, Tripura State Pollution Control Board (TSPCB) shall ensure over all monitoring and implementation of these rules and directions. The Member Secretary, TSPCB, Local Authorities and all the Authorized Officers mentioned in foregoing para within their respective area/jurisdiction, are authorized to file complaint under section 19 of the Environment (Protection) Act, 1986.

➢ **Enforcement:-**

This Notification issued in supersession of all earlier orders/Notifications and shall come into force with immediate effect.

By the order of the Governor

18/3/18

(Dr. Ashok Kumar, IFS)
Principal Secretary
Government of Tripura